



The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner
October 14, 2004

CERTIFIED MAIL
7000 1670 0000 0585 8704
RETURN RECEIPT REQUESTED

NOTICE OF PAST VIOLATION

Colt Refining, Inc.
12A Star Drive
Merrimack, New Hampshire 03054

Attn: Mr. Jim Maher, Vice President

Re: Colt Refining, Inc.
12A Star Drive
Merrimack, New Hampshire
EPA ID # NHD510177926

Dear Mr. Maher:

On August 19 & 23, 2004, the Department of Environmental Services, Waste Management Division ("DES") conducted an inspection of Colt Refining, Inc. ("CR"). The purpose of the inspection was to determine CR's compliance status relative to RSA Ch. 147-A and the New Hampshire Hazardous Waste Rules, Env-Wm 100-1100.

As a result of the inspection and review of the information provided to DES, the following deficiencies were documented:

Env-Wm 502.01 - Hazardous Waste Determination

At the time of the inspection, CR had not performed site-specific waste determinations for the "Unknown Clear Liquid Waste" and the "Waste Coulter Counter Material" located in the Universal Waste Storage Area. CR personnel claimed the material was commingled with a customer's incoming shipment of computer waste.

Env-Wm 502.01 requires that all generators of waste determine if their waste is a hazardous waste. Waste determined to be hazardous must be handled pursuant to the requirements of the Hazardous Waste Rules. This includes, but is not limited to, proper storage of marked, closed, containers on impervious surfaces, assigning appropriate hazardous waste number(s) to the waste, as well as delivery of waste for disposal to a facility authorized to handle the hazardous waste. Alternatively, if the wastes are determined to be non-hazardous, CR may dispose of them as a solid waste.

DES requested that CR perform hazardous waste determinations for the wastes identified above. DES also requested these determinations be made using analytical testing. In addition, DES requested CR to provide the results of the hazardous waste determinations, along with any other supporting data, such as chemical analyses, to DES. Furthermore, CR was advised that they may declare any of the above-mentioned wastes to be hazardous based on knowledge of the wastes, and forego the expense of the testing.

In a submittal dated September 16, 2004, Mr. Jim Maher, Vice President, provided the requested hazardous waste determinations and disposal documentation. No further action is required.

2. Env-Wm 507.03(a)(1)c.& d. – Container Marking

At the time of the inspection, four (4) 55-gallon containers of hazardous waste “F007 Cyanide Solution” located in the Hazardous Waste Storage Area (“HWSA”) were not marked with the words describing the contents of the container and the EPA or state waste number (See the attached Container Inventory).

Env-Wm 507.03(a)(1)c.& d. require that all containers used for the storage of hazardous waste be marked with the words describing the contents of the container and the EPA or state waste number at the time they are first used to store hazardous wastes.

DES requested that CR properly mark all containers of hazardous waste with the words describing the contents of the container and the EPA or state waste number at the time they are first used to store hazardous waste.

In an August 30, 2004 submittal, Mr. Jim Maher confirmed that the four (4) containers of hazardous waste had been marked with words describing the contents of the container and with the proper waste codes. No further action is required.

3. Env-Wm 509.02(a)(5) – Contingency Plan

At the time of the inspection, CR’s contingency plan was confirmed to be incomplete. Specific deficiencies are listed in the attached Contingency Plan Module.

Env-Wm 509.02(a)(5), which references 40 CFR 265, Subpart D, requires full quantity generators to maintain a complete contingency plan at the site.

DES requested that CR revise and update its contingency plan to correct any deficiencies as identified in the enclosed Contingency Plan Module.

In the August 30 & September 16, 2004 submittals, Mr. Jim Maher confirmed that CR's contingency plan had been updated and distributed to the local authorities. No further action is required.

4. Env-Wm 509.02(b) – Emergency Posting

At the time of the inspection, the emergency posting at the nearest telephone to the hazardous waste storage area was present but incomplete.

Env-Wm 509.02(b) requires that full quantity generators shall post a list of the steps to take if an emergency occurs and the following emergency numbers at the nearest telephone to the hazardous waste storage area (deficiencies are noted in italics):

- (a) The emergency coordinators (home and office);
- (b) The fire department, police department, and State of New Hampshire and local emergency response teams that may be called upon to provide emergency services, unless the facility has a 24-hour response team designated to provide emergency services whose number is posted; and
- (c) *The location of fire extinguishers and spill control material, and, if present, fire and internal emergency alarms.*

DES requested that CR post the required information at the nearest telephone to the hazardous waste storage area.

In an August 30, 2004 submittal, Mr. Jim Maher confirmed that the facility Emergency Posting had been updated to include all of the required information. No further action is required.

5. Env-Wm 808.02(b) – Generator Manifest Requirements

At the time of the inspection, DES confirmed that CR had shipped sixty-two (62) sample bottles of cyanide solution (dated 4/10/00 through 11/16/00) from their former facility in Connecticut to the Merrimack, NH facility without using a manifest.

Env-Wm 808.02(b) requires persons who generate recyclable materials that are regulated under Env-Wm 808 – “Recyclable Materials Utilized for Precious Metal Recovery” to comply with the manifest requirements of Env-Wm 500.

DES requested that CR ensure that all future shipments of precious metal recyclable materials are transported using a hazardous waste manifest in accordance with Env-Wm 500.

In an August 30, 2004 submittal, Mr. Jim Maher confirmed that all sample bottles identified above had been added to CR's process for gold recovery. No further action is required.

6. Env-Wm 1113.04 and Env-Wm 102.03(a)(5) - Universal Waste Management

At the time of the inspection, five (5) universal waste CRTs were not marked with the words "Universal Waste – Cathode Ray Tubes", "Waste Cathode Ray Tube(s)", or "Used Cathode Ray Tube(s)".

Env-Wm 1102.03(a)(5) which references Env-Wm 1113.04 requires universal waste handlers to ensure all container(s) holding universal waste CRTs to be clearly labeled or marked with any of the following: "Universal Waste – Cathode Ray Tubes", "Waste Cathode Ray Tube(s)", or "Used Cathode Ray Tube(s)".

DES requested that CR clearly label or mark universal waste CRTs with any of the following: "Universal Waste – Cathode Ray Tubes", "Waste Cathode Ray Tube(s)", or "Used Cathode Ray Tube(s)".

In an August 30, 2004 submittal, Mr. Jim Maher confirmed that the universal waste CRTs had been properly labeled. No further action is required.

Env-Wm 109.04 and Env-Wm 1102.03(a)(1) - Universal Waste Management

At the time of the inspection, one (1) pallet of universal waste lead-acid batteries was not marked with the words "Universal Waste – Battery(ies)", "Waste Battery(ies)", or "Used Battery(ies)."

Env-Wm 1102.03(a)(1) which references Env-Wm 1109.04 requires universal waste handlers to ensure all container(s) holding universal waste lead-acid batteries to be clearly labeled or marked with any of the following: "Universal Waste – Battery(ies)", "Waste Battery(ies)", or "Used Battery(ies)."

DES requested that CR clearly label or mark universal waste lead-acid batteries with any of the following: "Universal Waste – Battery(ies)", "Waste Battery(ies)", or "Used Battery(ies)."

In the August 30, 2004 submittal, Mr. Jim Maher stated that the pallet of universal waste lead-acid batteries was properly labeled. No further action is required.

8 Env-Wm 1 1.04 and Env-Wm 102.03(a)(3) - Universal Waste Management

At the time of the inspection, one (1) cubic-yard box of universal waste mercury-containing devices were not marked with the words "Universal Waste – Mercury-Containing Devices", "Waste Mercury-Containing Devices", or "Used Mercury-Containing Devices."

Env-Wm 1102.03(a)(3) which references Env-Wm 1111.04 requires universal waste handlers to ensure all container(s) holding universal waste mercury-containing devices to be clearly labeled or marked with any of the following: "Universal Waste – Mercury-Containing Devices", "Waste Mercury-Containing Devices", or "Used Mercury-Containing Devices."

DES requested that CR clearly label or mark universal waste mercury-containing devices with any of the following: "Universal Waste – Mercury-Containing Devices", "Waste Mercury-Containing Devices", or "Used Mercury-Containing Devices."

In the August 30, 2004 submittal, Mr. Jim Maher stated that the cubic-yard box of universal waste mercury-containing devices was properly labeled. No further action is required.

9 Env-Wm 1112.03(a) and Env-Wm 102.03(c) - Universal Waste Container Requirements

At the time of inspection, four (4) universal waste metal halide lamps were observed in the Maintenance Storage Area without a container:

Env-Wm 1112.03(a) requires universal waste handlers to store intact and broken universal waste lamps in container(s) that meet the requirements of Env-Wm 1102.03(c) Env-Wm 1102.03(c) furthermore stipulates the containers must be closed, compatible with the universal waste and its contents, and free of defects, design characteristics or damage.

DES requested CR to ensure all universal waste lamps generated at the facility are placed and stored in containers that meet the requirements of Env-Wm 1102.03(c).

In the August 30, 2004 submittal, Mr. Jim Maher stated that the universal waste lamps were placed in a labeled container. No further action is required.

10 Env-Wm 102.03(c)(1) – Universal Waste Management

At the time of the inspection, sixteen (16) boxes of universal waste lamps were not closed.

Env-Wm 1102.03(c)(1) requires universal waste containers and tanks to be closed, except when universal waste is being added to or removed from the container or tank.

DES requested that CR ensure that all containers of universal waste lamps remain closed, except when universal waste is being added to or removed.

In the August 30, 2004 submittal, Mr. Jim Maher stated that the sixteen (16) boxes of universal waste lamps had been closed. No further action is required.

1 Env-Wm 1102.04(a)(1) and Env-Wm 1102.04(b) - Universal Waste Time Limits

At the time of inspection, DES confirmed that CR had stored (16) boxes of universal waste lamps and two (2) 55-gallon containers of universal waste batteries on-site for longer than one year.

Env-Wm 1102.04(a)(1) prohibits generators from accumulating universal waste for longer than one year from the date that universal waste becomes a waste or is received from another handler unless the requirements of Env-Wm 1102.04(b) are met.

DES requested that CR properly recycle all universal waste lamps and batteries that have been accumulated on-site for more than one year.

In the September 16, 2004 submittal, Mr. Jim Maher provided documentation confirming that universal waste lamps and batteries were properly recycled off-site. No further action is required.

DES believes the deficiencies identified during the inspection have been corrected and acknowledges receipt of a report describing the corrective measures taken by CR to achieve compliance. Accordingly, no further action in response to the listed deficiencies is required. However, DES personnel may reinspect your facility at a later date to determine whether the facility is maintaining full compliance with the applicable rules. Fines may also be pursued for any or all violations observed during this or subsequent inspections of the facility.

Enclosed you will find a copy of the completed Hazardous Waste Generator Inspection Report which documents the compliance status of your facility at the time of the inspection. This checklist may also be of value to you for use in determining future compliance with the New Hampshire Hazardous Waste Rules.

The State of New Hampshire Hazardous Waste Rules, as well as much other useful information, can be obtained from DES's website at <http://www.des.state.nh.us/hwcs/>, or by contacting the Public Information Center at (603) 271-2975.

It is the goal of DES to promote the prevention of pollution at the source as the preferred option for meeting established environmental quality goals. We strive to ensure that pollution prevention options are considered first, followed by recycling, treatment and disposal. I am requesting that the DES's Pollution Prevention Coordinator, Stephanie D'Agostino, contact you to discuss possibilities for waste minimization or source reduction at your facility. In the meantime, if you have immediate questions about pollution prevention, please feel free to contact her at 271-6398.

As a service to New Hampshire's hazardous waste generators, we maintain a Hazardous Waste Assistance Hotline which is available for you to contact our knowledgeable staff of hazardous waste inspectors. Our hazardous waste staff is available to answer your questions concerning the New Hampshire Hazardous Waste Rules and the compliance issues which affect your hazardous waste management program. The technical assistance available through the Hotline includes fact sheets that pertain to the management and recycling of specific wastes, summary sheets of specific sections of the Hazardous Waste Rules, copies of EPA and New Hampshire hazardous waste policy or regulatory interpretation letters that may benefit your operation, and networks with other state or federal agencies to answer your questions on a national level. The Hotline is available Monday through Friday, 8:00 AM to 4:00 PM toll free at (866) HAZ-WAST (in-state only) or at (603) 271-2942.

If you believe that the deficiencies documented in this NOPV have been cited in error, or if you have any questions regarding this letter, please contact the lead inspector, Eric K. Abrams or Tod G. Leedberg, RCRA Compliance Supervisor at 271-2942. Specific questions regarding water related issues may be directed to Stergios Spanos of DES's Water Division at 271-6637, and for air related issues, please contact Pam Monroe of DES's Air Resources Division at 271-1370. Thank you for your cooperation.

Sincerely,



John J. Duclos, Supervisor
Hazardous Waste Compliance Section
Waste Management Division

DB/RCRA/NOPV/Archives
Anthony P. Giunta, P.G., Director, Waste Management Division
Gretchen R. Hamel Esq., Administrator, DES Legal Unit
Harvey J. Gottlieb, President, Colt Refining, Inc.

E-mail: JJD/SD/SS/PM

Enclosure: Inspection Modules